

International Preliminary Examination Report in the corresponding International Application, is that the expression libraries comprise a repertoire of single domain binding site heavy-chain immunoglobulins, naturally devoid of light chains, derived from a non-immunized donor. The subject matter of claims 1-9 was considered novel. As stated in Example 1 of Annex B of the PCT Administrative Rules, a claim drawn to a method of manufacturing substance X and a claim drawn to substance X are considered to have unity of invention because the special technical feature is substance X. Additionally, MPEP 1893.03(d) notes that PCT unity of invention practice (PCT Rule 13) is applicable in national stage applications filed under 35 U.S.C. 371.

Further, 37 CFR § 1.475(b) states

"An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: ... (1) A product and process specially adapted for the manufacture of said product; or ..."

As Group I is drawn to expression libraries, which are a product, and Group II is drawn to a method of preparing the expression libraries, and as the method of Group II is required to produce the product of group I, the subject matter of Groups I and II are linked to form a single general inventive concept.

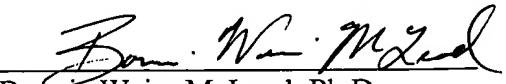
In view of the these remarks, Applicants respectfully request reconsideration of the restriction requirement and examination of the claim of Group II along with the claims of elected Group I.

CONCLUSIONS

Except for issues payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Dated: Nov. 8, 2002

By: 
Bonnie Weiss McLeod, Ph.D.
Reg. No. 43,255

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004
Tel: 202-739-3000; Fax: 202-739-3001